



# MISSOURI STATE OFFICE OF TATTOOING, BODY PIERCING AND BRANDING

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## INSIDE THIS ISSUE:

A Little Reminder	1
Sedating Patients for Non Dental Related Procedures	1
New Legislation	2
Message from Division Director	3
Visit Our Web Page	4
Statistics	4
Have You Moved Recently?	5

## A LITTLE REMINDER...

It is hard to believe that just a little over a year ago the Division of Professional Registration/Office of Tattooing, Body Piercing and Branding implemented licensure for tattooists, body piercers, branders and establishments.

The Division would like to remind you of a few things:

- Licenses should be posted in a conspicuous place within the establishment.
- Practitioner licenses are transferable from one location to another. Establishment licenses are **not**. Please refer to 4 CSR 267-1.030.
- Client records are to be kept for two years.
- Utilize Universal Precautions at all times.
- Equipment should be properly cleaned and sterilized. Refer to 4 CSR 267-.5010 and 4 CSR 267-5.030.

It is your responsibility as a licensee to adhere to the rules and regulations governing these professions. If you are in need of a copy of the law and rules you can either obtain such from the website, [www.pr.mo.gov](http://www.pr.mo.gov) or contact the office at 573-526-8288.

## SEDATING PATIENTS FOR NON DENTAL RELATED PROCEDURES

The Missouri Dental Board recently ran the following article in their newsletter:

"It has recently been brought to the Board's attention that some dentists may be numbing a patient in the dental office and then allowing the patient to leave the office numb so s/he can go to a tattoo artist for permanent makeup applications. In part, the practice of dentistry is defined as the administration of an anesthetic in connection with dental services or dental operations or dental surgery. The practice of dentistry does not provide for the administration of an anesthetic for non-dental related procedures. If a complaint is filed with the Board and the dentist is found to be administering an anesthetic to allow for the patient to have a non-dental related procedure performed, such as the application of permanent makeup, this is cause for the Board to pursue disciplinary action against the licensee."

**Governor**

The Honorable Bob Holden

**Department of Economic Development**

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This is an official publication of the Division of Professional Registration.



## NEW LEGISLATION

The Governor signed Senate Bill 1122 on July 9, 2004, which contains language regarding temporary practitioner licensure in Missouri. This legislation will allow for individuals entering the state for the purpose of participating in a convention to apply for a temporary practitioner license for the specific date(s) of the convention. The Division saw the need for a temporary practitioner license after last year's National Tattoo Convention was held in St. Louis, Missouri. The legislation will be effective August 28, 2004.

The language is as follows:

324.526. 1. Notwithstanding any other law to the contrary, the director of the division of professional registration shall issue a temporary license to practice tattooing, body piercing, or branding under the following requirements:

- (1) The applicant for temporary licensure is entering the state for the sole purpose of participating in a state or national convention at which the applicant will be practicing the profession of tattooing, body piercing, or branding;
- (2) The applicant files a completed application with the division at least two days prior to the start of the convention and tenders a fee of fifty dollars; and
- (3) The applicant is otherwise qualified for licensure under sections 324.520 to 324.526 and the rule promulgated under the authority of this statute.

2. A temporary license to practice tattooing, body piercing, or branding issued under this section shall be valid for a period not to exceed fourteen days and shall not be renewable.

3. Notwithstanding the requirements of sections 620.127 and 620.145, RSMo, an applicant for temporary licensure under this section shall not be required to provide a Social Security number if the application is submitted by a citizen of a foreign country who has not yet been issued a Social Security number and who previously has not been licensed by any other state, United States territory, or federal agency. A citizen of a foreign country who applies for a temporary permit under this section shall provide the division of professional registration with his or her visa or passport identification number in lieu of the Social Security number.

Should you have any questions regarding this new legislation, you may contact the office.

## MESSAGE FROM DIVISION DIRECTOR



House Bill 600 was enacted in 2003 to increase the tax revenue collected by the State of Missouri. This bill contains several "income tax accountability" provisions requiring the Department of Revenue to take steps to collect income taxes owed by state employees and licensed professionals. As most of you know, one provision of the bill was specifically aimed at professionals licensed by the Division of Professional Registration. The language is as follows:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be revoked within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section." (L. 2003 H.B. 600 § 2)

This statute requires the Department of Revenue to notify licensees, at the time of application or renewal, that they must file delinquent income tax returns or pay any delinquent taxes owed to the state. Since May of 2003, the Division of Professional Registration has been working with Revenue and the Attorney General's Office to establish procedures and define each agency's responsibilities under this new law. As of July 2003, the effective date of the new law, the Division has been transmitting licensee data for each renewal cycle. Because of the amount of time that the Department of Revenue has needed for technical implementation of the law, their first notices did not go out to licensees until January of this year.

During the month of January, there were 12,000 licensees who received notices either to file delinquent returns or pay delinquent taxes. Licensees were given 90 days to resolve the issue or have their license revoked as a matter of law. This month will mark the end of that first 90-day cycle and the Division anticipates that it will receive certifications of non-payment or non-filing from Revenue that will result in up to 3,000 revoked licenses. This is a staggering number, amounting to one-third of the licensees originally notified by the Department of Revenue.

The law, as written, gives no discretion to either the Department of Revenue or the Division of Professional Registration. Revenue must send notices to every licensee who has no record of filing a return or paying taxes in the three years prior to renewing or applying for licensure. The Division must revoke any licensee that fails to either respond that he or she does not live or work in Missouri, or resolve his or her tax delinquency. There are no appeal rights built into the law, and no right to cure the default after the 90-day period. If a licensee pays his or her tax or files his or her return even one day after the 90-day period, the license may still be revoked.

I cannot stress enough to our licensees the importance of responding promptly to any notification received from

*Continued on Page 4*

## MESSAGE FROM DIVISION DIRECTOR (Continued)

*Continued from Page 3*

the Department of Revenue, even if the licensee has not lived or worked in Missouri in the last three years. Failure to respond could result in revocation of your license. For some health-care professionals, this revocation will result in discipline being reported to the federal health care databases - which may affect their ability to practice their profession anywhere in the United States. Revocation of a license has serious consequences - sometimes barring professionals from obtaining a new license for one to five years. In instances where a professional was grandfathered under the licensing law, revocation may permanently prohibit the licensee from obtaining a new license because his or her education and training are not adequate under the legal requirements for licensure in existence today.

The Division has worked for well over a year to make changes to the law - both before and after it was enacted - to reduce the impact on licensees for failing to resolve tax delinquencies. During this past legislative session (2004), we were able to get the law changed from a revocation to a suspension. (HB 978) This change is still a serious discipline against a licensee, however, once the licensee has come into compliance with the Department of Revenue it will be much easier for him/her to re-enter their respective profession. The change from revocation to suspension does not go into effect until August 28, 2004. Please know that when you receive notices from Revenue and the Division that we have no choice but to comply with the law as it was written. Ignoring these notices, whether reasonable or not, will result in serious consequences to your ability to maintain licensure in the State of Missouri.

Yours truly,



Marilyn Taylor Williams  
Division Director

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## VISIT OUR WEB PAGE

You will find other information relating to the following on our web page:

- Staff
- Statutes
- Rules and Regulations
- Licensure Forms
- Fees

I would like to encourage you to visit our web page ([www.pr.mo.gov](http://www.pr.mo.gov)) and view the information we have available. We are also interested to learn of any other information you would like to see on our web page. Please contact us with your suggestions.

## STATISTICS

Tattooists-	406
Body Piercers-	148
Branders -	0
Combined Practitioner-	106
Tattooing Establishments-	56
Body Piercing Establishments-	8
Branding Establishments-	0
Combined Establishments-	121

TOTAL: 845

## HAVE YOU MOVED RECENTLY?

The rules and regulations require all licensees to notify the Division of all such changes by sending a letter to the office in Jefferson City, Missouri. Please include a street address to facilitate any express mail deliveries.

**Name:** \_\_\_\_\_ **License Number:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ (Home) \_\_\_\_\_ (Work)

**Work Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**E-mail Address (optional):** \_\_\_\_\_

Mail to:

Office of Tattooing, Body Piercing and Branding  
P.O. Box 1335  
Jefferson City, Missouri 65102

Missouri State Office of Tattooing, Body Piercing  
and Branding  
3605 Missouri Boulevard  
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Jefferson City, MO 65102

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